

REMARKS

Claims 1-20 are pending in the application. Applicant gratefully acknowledges Examiner's indication that claims 9, 11, 12, 15, 17 and 18 include allowable subject matter and would be allowed if rewritten as indicated.

Claim 13 is currently amended.

Claim Rejections - 35 U.S.C. § 112

Claims 13 and 14 are rejected for improper antecedent basis. Claim 13 is amended to depend from claim 11, which provides antecedent basis for the term "the count signal" in claim 13. Accordingly, withdrawal of the rejection is requested.

Claim Rejections - 35 U.S.C. § 103

(1) Claims 1-3, 5, 10, 16 and 19-20 are rejected as being unpatentable over Applicant's admitted prior art FIG. 1 (hereafter, "APA") in view of U.S. Patent Application Publication 2003/0142773 to Shirota. Applicant respectfully traverses the rejection. At the very least, claims 1, 16 and 20 are patentable over the combination of APA and Shirota.

With regard to claim 1, the combination of APA and Shirota does not disclose or suggest *a clock signal generating circuit that generates at least two clock signal groups, comprising first and second clock signal groups wherein each of the first and second clock signal groups are composed of clock signals having different phases; and a data recovery circuit that recovers the effective data from the serial data by oversampling the serial data by using a dynamically selected one of the at least two clock signal groups.*

Indeed, the Examiner acknowledges that APA does not teach first and second clock signal groups, much less dynamic selection of clock signals between one of the groups to perform a data recovery operation. However, the Examiner's reliance on Shiroto to cure the deficiencies of APA in this regard is respectfully misplaced.

The Examiner correctly notes that Shiroto discloses in FIGs. 1 and 2 a single clock signal group (109) from which the clock selection circuit (122) selects according to a clock selection signal (127). However, the obviousness rejection is *fundamentally flawed* as there is no explanation in the Office Action, whatsoever, as to how the combined teachings of APA and Shirota even remotely suggests *a data recovery circuit that recovers the effective data from the serial data by oversampling the serial data by using a dynamically selected one of the at least two clock signal groups*, as recited in claim 1.

Indeed, Shirota's teachings of a DCR circuit (104) that selects from a single clock signal group (109) is essentially irrelevant and teaches nothing more than that which is disclosed by the APA. The Examiner can neither fairly nor legally establish obviousness by combining the teachings of the single clock signal group of APA with the single clock signal group (109) of Shirota and contend that it would be "obvious" to implement the invention of claim 1 which essentially implements *two clock signal groups and dynamically selects between the groups for data recovery*.

For at least these reasons, the Office Action fails to present a *prima facie* case of obviousness against claim 1.

For similar reasons, claim 16 is not obvious in view of the combination of APA and Shirota as such combination clearly does not disclose or suggest, e.g., *a data*

recovery circuit that recovers the effective data from the serial data by sampling the serial data by the sampling clock signals of a dynamically selected one of the at least two sampling clock signal groups, as recited in claim 16.

Furthermore, for similar reasons discussed above, the combination of APA and Shirota does not teach or suggest, e.g., *a first and second set of OSR sampling clock signals, wherein all the 2 x OSR sampling clock signals have different phases; and wherein the selected set of OSR sampling clock signals has been dynamically selected so as to sample the serial data by a plurality of sampling clock signals having edges within the eye open region of the serial data,* as recited in claim 20.

Accordingly, claims 1, 16 and 20 are not obvious in view of APA and Shirota. Moreover, claims 2-3, 5, 10 and 19 are not obvious in view of APA and Shirota at least by virtue of their dependence from respective base claims 1 or 16.

The following obviousness rejections are also asserted:

(2) Claims 4 and 6 are rejected as being unpatentable over APA, Shirota and US. Patent 6,807,233

(3) Claim 7 is rejected as being unpatentable over APA, Shirota and US. Patent 5,528,198 to Baba

(4) Claim 8 is rejected as being unpatentable over APA, Shirota and US. Patent 7,103,343 to Boss.

The above obviousness rejections (2-4) are legally deficient as a matter of law at least to the extent that the rejections are improperly premised on the combination of APA and Shirota as applied to the base claim 1, from which claims 4, 6, 7 and 8 depend.

Respectfully submitted,



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